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Amendment dated 04/08/2005

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Reply to office action mailed 10/08/2004

**REMARKS**

Claims 1-37 are currently pending in the application. By this amendment, claims 1, 5-7, 9, 19, 21, 28, 29, 32, 34, 36 and 37 are amended for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each.

In the specification, the Abstract has been amended in accordance with the Examiner's instructions. No new matter has been added.

The Examiner has objected to the abstract because it is not on a separate page and is too long. This amendment overcomes this objection by amending the abstract and providing replacement pages in Appendix A for the original specification. In particular, the Abstract is removed from original page 13 and placed by itself on a new page 14, and a replacement page 13 is provided without the Abstract.

The Examiner has rejected claims 1-37 under 35 U.S.C. §112, second paragraph, as being indefinite. The claims have been amended to overcome this ground of rejection. In particular, the term "status location" is amended to refer to the appropriate locations on the computer display, as described at page 7, line 151. Similarly, the claims have been amended to clarify that it is a "computer program display" on which the status location is provided.

The Examiner has rejected claims 1-37 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,893,074 to Hughes in view of Primavera Expedition, as disclosed in "Primavera Introduces Primavera Expedition 7.0." Hughes describes a "rec/del" system (col. 2, lines 14-16) for recording project status information in a centralized database (col. 1, lines 62-64), thereby providing up-to-the-minute information concerning a particular product or task (col. 2, lines 14-16). A complex project is comprised of particular products and tasks, and each product is the subject of a contract between a supplying party and a receiving party (col. 2, lines 12-13). For there to be a contract, both parties must agree on the criteria used to

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define the product (col. 2, lines 42-44). If a party changes one of the criteria during the course of the project, then the product's state is no longer in agreement (col. 2, lines 49-51), and the change must be reviewed and accepted by the other party to complete a new contract (col. 2, lines 51-52). Hughes provides a computational component to determine a "state" of each product, i.e. "reconciled" or "date not agreed" or "product not agreed" or "no impact" (col. 2, lines 45-49). Comments are provided with each state, and are sent out to the appropriate suppliers and receivers (col. 2, lines 53-58), with negotiation and further work to follow until the state is "reconciled" and the product is completed (col. 2, lines 63-65). The receiver of a particular product ultimately determines when the product delivery date has been successfully completed (col. 2, lines 65-66), and the status of the entire project is determined by collectively processing the various states for each individual product or task (col. 3, lines 1-3). Data are computed to generate real-time reports so that the status of the project can be determined at any particular time (col. 3, lines 5-7), and these data can be accessed via an electronic user interface by the various suppliers and receivers involved with the project (col. 3, lines 7-9). These reports identify products where the delivery dates conflict with those requested by the receiver, the supplier is missing, or there is no receiver (col. 3, lines 17-19).

For Hughes, the focus is on deliverables/receivables and a status comment is sent to the respective parties whenever a receivable needed by a receiver is not agreed to or is not scheduled as and when needed for delivery by a supplier. All tasks in the overall project as defined in this "rec/del" format. In particular, the focus of Hughes is effective distribution of project control over a group of users (col. 3, lines 40-41), who can then focus attention on their particular areas of the project (col. 3, lines 36-37).

This objective is facilitated by access by all parties to a common database, from whence this information can be displayed. The display described by Hughes is in two sets. The first set of output data are comments describing the "state" of each

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particular deliverable/receivable, based upon a computation that determines the state of negotiation between the respective supplier and receiver concerning the particular deliverable/receivable. The computed determination can be “reconciled” (i.e. the deliverable/receivable and its date have been agreed upon), “date not agreed”, “product not agreed”, or “no impact” (i.e. a reported change has no impact upon the deliverable/receivable or its date)(col. 2, lines 46-50). For example, a comment “completed” may be included under the “reconciled” state, or a comment “no deliverable” may be included under the “product not agreed” state (col. 2, lines 54-58). These comments are sent as a first set of output data to the appropriate suppliers and receivers (col. 2, lines 58-59). The second set of output data described by Hughes can be in the form of plots, charts and reports tracking a particular deliverable/receivable or the entire project (col. 3, lines 10-12). Planning reports identify deliverable/receivables where the delivery dates conflict with those requested by the receiver, the supplier is missing, or there is no receiver (col. 3, lines 16-18).

Project management, and in particular use of computers to effect project management, is old in the art. Hughes is a relevant example of project management using computers, and is in the same field as the present invention because both Hughes and the present invention rely upon a change of “status” to alert the parties in a complex project about changes in plans affecting the project. However, this generic similarity does not address the novelty of the present invention. It should first be noted that the status categories of the two disclosures are not the same. Whereas Hughes takes a contractual approach and is concerned with changes in the content and/or delivery schedule of the deliverable/receivable, the present invention is concerned with whether changes in schedule are major (Class-1) or minor (Class-2). In both Hughes and the present invention the changes and comments thereon are stored in a database.

Both Hughes (col. 2, lines 58-59) and the present invention (page 6, lines 122-123) send change notices to other parties. However, in Hughes the focus is on

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monitoring the status of the various contracts for specific task deliverables/receivables between a supplier and a receiver, and consequently a status change by one party is sent to the appropriate “suppliers and receivers” (col. 2, lines 58-60). This is consistent with Hughes’ emphasis upon distributed resolution of task definitions and delivery dates not formally agreed upon. By contrast, the focus of the present invention is the perspective of the project as a whole and status changes are sent to “a user selected list or recipients chosen from the contractor, the manufacturer, and even the subcontractor, if appropriate” (page 6, lines 129-131). This is followed up with daily reminder notices until an open change notice or request is resolved (page 6, lines 135-137). In addition, the present invention’s focus on overall project management is further emphasized by the role of the program manager in directing actions responsive to change notices (page 7, lines 140-141) and in explicitly approving or disapproving changes notices (page 6, lines 133-135).

Furthermore, the present invention also sends change notices to a particular display (page 6, lines 122-123), called the Dashboard, which shows the status of each subcontractor in terms of the status categories. While Hughes describes in generic terms “output data … in the form of plots, charts …, and reports” (col. 3, lines 10-11) and “[p]lanning and performance reports serving as metrics for identifying problems” (col. 3, lines 15-16), there is in Hughes neither indication of a particular display showing the status of each subcontractor in terms of the status categories nor an indication that change notices are sent to such a display. Instead, Hughes is satisfied with a generic description of display representations (col. 4, lines 58-60).

Whereas the foregoing attributes of the present invention define a particular display, and update that display at the same time as change notices are input and sent to other parties, i.e. in “real time” so that contractor personnel will be “instantly aware” of its importance (page 6, line 120) and in colors for the preferred embodiment (red for a major change, orange for a minor change, and green for no change in status; page 6, lines 1-3), no such display is described in Hughes. One

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skilled in the art would not find in Hughes a suggestion for the particular display described in the present invention. Generic reliance by Hughes on reports and presentations suggests, instead, reliance upon the existing state of the art.

In further expansion upon the primary Dashboard display, the present invention also provides an additional display linked to the colored alert status indicator. A Subcontractor Early Alert screen shows how widespread are the problems affecting the subcontractor, or whether the problem is shared by a number of subcontractors, by simply clicking on the colored screen display location showing the change in status (page 7, lines 147-150; see Fig. 5). With similar ease the representative of the contractor, manufacturer or subcontractor whose corrective action is required (page 7, lines 157-159) can move to the On-Line Review and Approval screen by clicking the appropriate screen display location on the Dashboard (page 7, lines 151-154), and then navigate via the Dashboard to the Subcontractor Early Alert screen (page 7, lines 152-154) in a process that is repeated until the status change is resolved (page 7, lines 154-155) and until the project is completed (page 7, line 156).

In summary it may be said that although Hughes does not describe or suggest the present invention, the Hughes disclosure provides a framework within which the present invention may be practiced. It should be noted that the Primavera Expedition reference cited by the Examiner is a project management product that uses what it calls a “dashboard-like workspace of graphical indicators that highlight project and program performance.” Dashboards of this kind are old in the art, including the drill down capability, and the present invention lays no claim to dashboards as such. The citation provided by the Examiner is a typical description provided in the literature to describe a software product, and does so at a generic level that fails to describe or suggest – as Hughes fails to describe or suggest – a particular display showing the status of each subcontractor in terms of the status categories, nor is there provided an indication that change notices are sent to such a display.

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The claims have been amended to clarify the foregoing distinctive aspects of the present invention.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1-37 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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